Automotive Aftermarket Industry Association
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Automotive Refrigerant Products Institute
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January 16, 2006

Eileen Wenger Tutt
Special Advisor to the Secretary
California Environmental Protection Agency,
Office of the Secretary
1001 I Street
Sacramento, CA 95814

Dear Ms. Tutt:

We are writing on behalf of the Automotive Refrigerant Products Institute (ARPI) and the Automotive Aftermarket Industry Association (AAIA) to express concern regarding certain recommendations that are included in the Climate Action Team Draft Report that was released on December 8, 2005. Together, AAIA and ARPI represent the packagers, distributors and sellers of automotive parts, chemicals and accessories in the vehicle aftermarket.

ARPI represents those companies which package and distribute automotive air conditioning products. ARPI's members have been the driving force in the mobile refrigerant industry --- first with respect to can and refrigerant use safety and more recently in educating the general public about the environmental hazards of using ozone depleting refrigerants such as R-12. It was ARPI's members who designed the unique can and fittings for R-134a and other SNAP approved, non-CFC refrigerants.

AAIA is a major automotive aftermarket trade association which represents retailers, manufacturers, manufacturer's representatives and distributors which provide products to maintain, service and improve automobiles, trucks and other vehicles. Many of its more than 8,000 members and affiliates package and sell refrigerant for motor vehicle air conditioners for both consumer and professional use.

Our group's primary concerns surround the possible new measures that are discussed in the "Work Plan for Potential GHG Reduction Measures for the Air Resources Board". Specifically, on page 6 of the Work Plan, a ban on the retail sale of HFC's in small cans is suggested. Both AAIA and ARPI strongly oppose this suggestion and request that it be removed from the final report. Not only would this provision result in a negligible reduction in greenhouse gasses, but it would have a severely negative impact on low and fixed income car owners in California, many of which are minorities. Further, there are already activities underway as part of the State's greenhouse gas regulations adopted in September of 2004 that will result in much more significant reductions in 134a emissions and will have little or no economic impact on state car owners. Reliance on this measure will require no further action by the State and will make the sales ban unnecessary.

The primary support for the ban as stated in the ARB document is as follows:

> *This would end the loss of can heels (small amounts of HFC's remaining in the can after service is complete) and prevent do-it-yourself re-filling of vehicular air conditioning systems. It would stop the cycle of leak, re-fill, leak, re-fill and so on. Systems no longer repaired by do-it-yourself mechanics would either go empty or receive professional repair.*

This explanation makes many unsupportable assumptions one of which is that the can heel is a significant problem. We do not believe that the can heel is a significant a source of greenhouse gasses. Further, the estimates in the Work Plan appear to agree with us, attributing no reductions in global warming gases before 2010 based on an elimination of the small can. The plan does estimate a reduction of 2.4 MMT for 2020, but it appears based on the assumption that when do-it-yourselfers stop recharging their systems, they will either stop using their air conditioning or bring their vehicle to a professional service facility for repairs, both of which the author contends will result in less emissions.

However it is erroneous to believe that all do-it-yourselfers do not fix the leaks in their system and that all professionals do fix the leaks. Our experience has been that many do-it-yourselfers are very knowledgeable on auto repair and that they do take actions to eliminate leaks. We also are aware that many professionals in order to save their customer's money simply add charges to the system rather than fix the leaks. Another very common class of leaking system is one that has not been used for a long period of time. In this case, only recharging and running the A/C unit is needed to stop the leaks. This is a very common situation and cannot be ignored by analyzing the impact of a small container sales restriction.

Both AAIA and ARPI through the Be Car Care Aware website (www.carcare.org) have provided significant information on the proper use of 134a; and how to properly service vehicles in order to reduce leaks. In addition, many of the packagers of small cans have significant consumer education areas on their corporate websites. Further, there are many products available to do-it-yourselfers that are designed specifically to stop existing leaks and prevent future leakage in A/C systems. We are not aware of any studies that demonstrate the recharge habits of do-it-yourselfers, but it appears that the authors are making generalizations about both groups for which they have no support.

One important factor is that most do-it-yourselfers work on their vehicle not only because they like to, but because they need to for economic reasons. For example, the average cost for a do-it-yourselfer to purchase a pound of refrigerant from an auto parts or discount stores is $10.04. Our best estimate of the average cost for a car owners to have refrigerant added at a professional service facility is $49.00, making a price difference of $38.96 more for a pound of refrigerant. In order to determine the full economic impact of this price difference on California motorists, we calculated based on national sales numbers that approximately 3,100,000 pounds of 134a were sold in small cans in California during 2004. Multiplying this number by $38.96, we estimate that a small can sales restriction, assuming that refrigerant purchases remain the same, would cost California car owners about $121,000,000; and that does not include the cost to car owners of not being able to perform air conditioning repair work beyond recharging since they no longer have access to the refrigerant.

While it appears to the author as a simple question of car owners going without air conditioning or returning to a professional, the question is not so simple when a car owner is balancing the needs of their family and fixing the air conditioner. In addition, for some senior citizens and those with health conditions, fixing their air conditioner or face the extreme heat of some areas of California is not a choice they take lightly. Unfortunately, these are the same people that can least afford to obtain professional service. It also should be noted that if car owners choose to operate their vehicle without air conditioning and therefore with the windows open, there likely would be higher fuel consumption by those vehicles due to increased wind drag. The reduction in fuel economy would result in an increase in greenhouse gas emissions.

Finally, the goal of this suggestion, leaking 134a air conditioners, is already being addressed by car companies due to the promulgation of regulations in September, 2004 by the ARB. This rule will lead to the development of "enhanced 134a systems" which would virtually eliminate leakage of 134a from air conditioning systems; thus there should be a significantly reduced need to charge the systems once they are on the road. Relying on manufacturers to build the enhanced systems will have a significant impact on emissions without placing an undue burden on low or fixed income citizens, and there for would appear to be a win-win for the environment and the State. In addition, the enhanced systems are being developed and implemented without any further need for action by the state. However, any proposal that would require a ban on the sale of small refrigerant cans would need to be accomplished through legislation that would need to be introduced, considered and approved by the California State Legislature.

In conclusion, based on:

- The absence of evidence that this suggestion would be effective in reducing greenhouse gasses,

- The fact that any venting of 134a is already being addressed by previous regulations and

- The adverse impact on low-income and minority California car owners that would be caused by sales restrictions;

We respectively request that this suggestion be removed from the Work Plan.

Thank you for the opportunity to submit these comments and please feel free to contact us should you have questions regarding our comments.

Sincerely,

Aaron Lowe
Vice President,
Government Affairs
Automotive Aftermarket Industry Association

Tom Brown
President
Automotive Refrigerant Products Institute

CC: Alan C. Lloyd, Secretary, Cal/EPA
Anne Baker, Deputy Secretary for External Affairs, Cal/EPA